

Remarks/Arguments

Claims 16, 20 – 24, and 27 – 28 remain in this application. Claims 17 – 19, 25 – 26, and 29 – 30 have been canceled. Claims 16, 22 and 24 have been amended to emphasize the patentable distinctions of applicant's invention over the prior art.

Claim 16, as amended, discloses a method for the administration of therapeutic amount of a growth factor protein formulation in the treatment of a patient displaying the symptoms of acute coronary artery disease comprising the steps of: (a) administering at least one dose of an effective amount of a first therapeutic growth factor protein formulation comprising a growth factor protein being selected from the group consisting of FGF-1, FGF-2, VEGF, and mixtures thereof by inhalation therapy; (b) monitoring one or more clinical indicators of acute coronary artery disease; (c) determining, based on monitoring the one or more clinical indicators of acute coronary artery disease, whether an additional dose of a therapeutic growth factor protein formulation is necessary; (d) depending on the results of step c), administering one or more additional doses of a second growth factor protein formulation comprising a growth factor protein selected from the group consisting of FGF1, FGF-2, VEGF, and mixtures thereof; and (e) repeating steps b) through d) until there is a clinical indication of amelioration of the symptoms of acute coronary artery disease in the patient, or until there is a contraindication to continued treatment.

Claim 24, as amended, recites substantially the same limitations as present claim 16, except that present claim 24 discloses a method for use in the treatment of chronic coronary artery disease, as opposed to acute coronary artery disease.

Each of the amendments to the claims is clearly supported by the specification, as originally filed in the Parent application. The present application is a division of the Parent, which has now issued as U.S. Pat. No. 6,759,386.

In light of the amendments to independent claims 16 and 24, it is respectfully submitted that present claims 16, 20 – 24, and 27 – 28 patentably define over the art cited relied upon in each of the claim rejections contained by the present Office Action. In particular, applicant respectfully submits that none of the cited references, namely, U.S. 5,932,540 to Hu et al., U.S. 6,239,172 to Kaesemeyer, U.S. 6,475,796 to Pollitt et al., U.S. 6,620,784 to Ferrara et al., and U.S. 6,737,404 to Springer et al., disclose or suggest the method steps of present claims 16, 20 – 24, and 27 – 28. As amended, these claims collectively require use of a multi-tiered approach for the administration of growth factor proteins via inhalation therapy in the treatment of acute and chronic coronary artery disease.

Accordingly, reconsideration of the rejection of present claims 16, 20 – 24, and 27 – 28 under 35 U.S.C. §§102 (a) and (e), as being unpatentable over the aforementioned references is respectfully requested.

Conclusion

In view of the amendments to the claims and the remarks set forth above, it is respectfully submitted that the present application is in allowable condition. Reconsideration of the rejection and allowance of claims 16, 20 – 24, and 27 – 28, as amended, are earnestly solicited.

Respectfully submitted,
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